IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4044 OF 2004

Santosh Prabhakar Naik ... Applicant

versus

State of Maharashtra ... Respondent

...

Ms. P.Y. Palande, for the Applicant.

Mr. K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

29th September 2004

P.C.:

. Heard Counsel for the parties. The Applicant has been named as accused in Cr.No. 125/2001 and 288/2001 registered at Vishnu Nagar Police Station and Ram Nagar Police Station, Dombivli. The charge against the Applicant is same as in the present offence registered at Manpada Police Station, Dombivli, being Cr.No. 24/2002. The Applicant is already enlarged on bail by the Special Judge in the companion cases on the finding that there is no prima facie

evidence to show that the Applicant made phone calls demanding ransom to the complainant. Moreover, no amount was paid by the complainant as per the alleged demands on phone. There is no past criminal record of the Applicant before his arrest. The Applicant came to be arrested after two years of the complaint. It is not in dispute that the aforesaid bail orders have been accepted by the prosecution. Learned A.P.P. on instructions states that the State has decided not to question the correctness of the said decisions passed by the Special Judge releasing the Applicant on bail in the companion cases. Same reasons will apply with all force to the case on hand. In the present case, learned A.P.P. submits that the voice of the Applicant has been identified subsequently after arrest. It is debatable whether such identification of voice can be the basis to hold that there is any evidence against the Applicant. Taking overall view of the matter, the Applicant deserves to be enlarged on bail on same terms and conditions as imposed by the Special Judge in companion cases. Hence the following order.

(a) The Applicant is released on bail in

connection with Cr.No. 21/2002 registered with Manpada Police Station, Dombivli on executing personal bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.

(b) The Applicant shall not tamper with the prosecution evidence or influence the prosecution witnesses in any manner whatsoever.

(c) The Applicant shall regularly attend the trial Court on all dates. In case the Applicant fails to attend any date, without sufficient cause, that will be a ground for cancellation of bail.

(d) The Applicant shall extend full co-operation for early disposal of the trial. If the trial Court is of the opinion that the accused is responsible for the delay of the trial, even that will be a ground for cancellation of bail.

(e) The Applicant shall not leave Thane

and Mumbai Districts without prior permission of the trial Court. He shall attend Manpada Police Station on every Monday between 10 a.m. to 2 p.m. during the pendency of the trial or till such other or further orders to be passed by the trial Court.

. Application disposed of accordingly.

(A.M.KHANWILKAR,J.)